



B

Patent  
Attorney Docket: 612,404-351  
(prev 254/302)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Donald E. Ackley et al.**

Serial No.: 09/596,657

Filed: June 19, 2000

For: ELECTRONIC DEVICE FOR PERFORMING  
ACTIVE BIOLOGICAL OPERATIONS AND  
METHOD OF USING SAME (As Amended)

Group Art Unit: 1631

Examiner: Ardin H. Marschel

Allowed: November 5, 2003

Issue Fee Due: February 5, 2004

**ASSERTION OF SMALL ENTITY STATUS**

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant is entitled to assert, and does assert, small entity status for this application. The Issue Fee, filed separately, is being paid as a small entity.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 2/3/04

By: David B. Murphy  
David B. Murphy  
Reg. No. 31,125  
Attorneys for Applicant

DBM/dnd

**34263**

PATENT TRADEMARK OFFICE

IR1:1052021.1

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service with sufficient postage for first class mail on the date shown below addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date

2-3-04

Denise N. Doss  
Denise N. Doss